

REMARKS

Claims 33-37 and 40-51 are currently pending. Applicants thank the Examiner for the telephone conference of November 22, 2004. Reconsideration of the pending application is respectfully requested.

Non-Statutory Double-Patenting Rejection

Claims 33-37 and 40-51 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8-20, 44, 51, and 58 of U.S. Patent No. 6,307,128. This rejection is respectfully traversed.

The undersigned submitted a Terminal Disclaimer on June 5, 2004 that did not comply with 37 CFR 1.321(b) and/or (c). In reviewing this Terminal Disclaimer, the undersigned also noticed that the assignee information was incorrect. Therefore, the previously-filed Terminal Disclaimer was deficient in several aspects.

Since the June 5, 2004 submission, the undersigned became aware that the present application is a divisional of U.S. Patent No. 6,307,128 (the '128 patent'). During prosecution of the '128 patent, a Restriction Requirement was issued having a mailing date of August 28, 1998 restricting the claims into two groups. The claims of Group I were elected and prosecuted, leading to issuance of the '128 patent.

The present application was filed as a divisional on June 18, 2001, pursuing claims corresponding to Group II from the August 28, 1998 Restriction Requirement in the parent application. Please see the Transmittal Letter and the addition of the priority claim in the Preliminary Amendment filed with the instant application. The claims filed in this application corresponding to original Group II were again restricted. See the Restriction Requirement having a mailing date of October 2, 2002. Applicants elected and prosecuted the claims of Group VIII, leading to the allowed claims in the present application.

Therefore, in view of the restrictions and elections that occurred in this family of applications, the claims pending in the present application were deemed to be a different invention than the claims that issued in the '128 patent. Therefore, Applicants submit that a

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Terminal Disclaimer is not necessary or appropriate, and respectfully request that the obviousness double-patenting rejection of claims 33-37 and 40-51 be withdrawn.

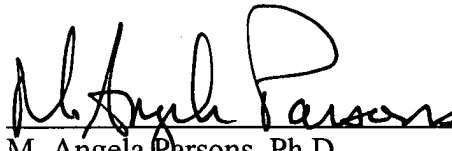
CONCLUSION

Applicants respectfully request a Notice of Allowance be issued for claims 33-37 and 40-51. Enclosed is a \$110 check for a Petition for a One-Month Extension of Time fee. Please apply any other charges or credits to Deposit Account 06-1050.

Respectfully submitted,

Date:

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